

REMARKS/ARGUMENTS

This case has been reviewed and analyzed in view of the Official Action dated 17 December 2004. Responsive to the rejections made by the Examiner in the outstanding Official Action, Claims 1 and 7 have been amended to clarify the combination of elements that form the invention of the subject Patent Application. Claim 4 has been canceled by this Amendment.

In the Official action, the Examiner objected to the drawings under 37 C.F.R. § 1.83(p)(5) because the reference character “10” was not shown in Figs. 6 – 8, referred to in the Specification. The Examiner also objected to the drawings under 37 C.F.R. § 1.83(p)(4) because the reference character “30 was used to designate more than one element in Figs. 14 - 17.

The Specification has been amended to overcome the Examiner’s objections under 37 C.F.R. § 1.83(p)(5), adding reference to the Figures that show the tow rods 10. Additionally, replacement drawings for Figs. 14, 15, 16 and 17 are being submitted with this Amendment. The replacement drawings now include the proper reference character “11”.

In the Official action, the Examiner rejected Claims 1 – 6 under 35 U.S.C. § 102(b) as being anticipated by Schmidt (U.S. Patent #5,285,937). The Examiner additionally rejected Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Schmidt (U.S. Patent #5,588,574).

Prior to discussing the prior art relied upon by the Examiner's, it is believed beneficial to briefly review the structure of the invention of the subject Patent Application as now claimed. The subject invention is directed to a bicycle rack comprised of two rods each having a rack connected to a first end thereof and a clamping member connected to a second end of each of the two rods. The two clamping members face each other. Two positioning plates are pivotally connected to the two rods and located close to the two clamping members. A first plate and a second plate are respectively connected to the two rods and located close to the two racks. A secure device connects the first plate and the second plate together. The secure device includes a body and the first plate and the second plate are pivotally connected at a common point on a first side of the body. A locking member is connected to a second side of the body and has a latch pivotally connected to and extending from a side thereof. A passage is formed through the body and located in alignment with two respective apertures which are respectively formed through the first plate and the second plate. The latch extends through the passage and the two apertures. The locking member has a notch formed in the first end thereof. A lock device is connected to an end of the body and includes a locking piece which is removably and rotatably engaged with the notch of the locking member to prevent the latch from being removed from the two apertures. The latch of the locking member is disengageable from the apertures of the first plate and the second plate when the locking piece of the lock device is disengaged from the notch of the locking member. Additionally, the device may further include an operation member

pivotably connected to the first rod and a hook portion on a first end of the operation member, a recess defined in a second end of the operation member, a U-shaped frame connected to two opposite sides of the first rod and a bolt extending through the frame and a knob threadedly connected to the bolt. The bolt is removably engaged with the recess in the operation member. A locking ring is pivotably connected to the second rod adjacent to the two clamping members and spaced from the two positioning plates with the clamping members disposed therebetween. The locking ring is disengagably hooked to the hook portion of the operation member.

It is respectfully submitted that the Schmidt reference is directed to a cycle rack that includes a toggle joint located between two vertical rods or branches 2, 3. The toggle joint is comprised of two toggle branches 4, 5 that are pivotally connected with a common link bolt 45 and a snaplock member 6. The snaplock member 6 is comprised of a hook shaped portion 64 that engages or latches an abutting portion 46 and a handle portion 6A/6H. The snaplock member 6 is disengaged from the abutting portion 46 by depressing the handle portion 6A/6H. Disengagement of the hook shaped portion 64 may be blocked by the insertion of a padlock or other locking means at 40. Although the reference discloses a lockable pivotally connected toggle joint, the reference does not disclose or suggest a locking means that is an integral component of the structure of the device. Additionally, the reference does not disclose a latch that is attached in any manner to any component of the device and is inserted through apertures located on the toggle branches.

Whereas, the invention of the subject Patent Application utilizes a lock device with a locking piece that rotatably engages a notch in the locking member. The locking member in turn is pivotally connected to the latch which is inserted in apertures in the first and second plates of the bicycle rack. Thus, the reference does not disclose a lock device connected to an end of the body and including a locking piece which is removably and rotatably engaged with the notch of the locking member to prevent the latch from being removed from the two apertures, as now provided by newly-amended Claim 1. As Schmidt ('937) fails to disclose each and every one of the elements of the invention of the subject Patent Application, it cannot anticipate that invention. Further, as the reference fails to suggest such a combination of elements, and in fact teaches away from that combination, it cannot make obvious that invention either. While it is believed that the claims dependent on Claim 1 add further patentably distinct limitations, they are at least patentably distinct for the same reasons as Claim 1.

With respect to Claim 7, the Schmidt ('574) reference is directed to a cycle rack that includes a connecting link means 7 located between two vertical rods or branches 2, 3. The connecting link means 7 is comprised of a screw means 75 connected to a clamping means 73 and rotatably connected through a bearing to another clamping means 74. By rotating the screw means 75, the connecting link means 7 will expand or contract as the clamping means 73, 74 expand or contract within each other. However, this reference neither discloses an operation member with a hook portion nor a locking ring. The reference does not disclose any components that operate below the gripping and

holding means, and in particular a locking ring that engages a hook portion below the clamping members. Therefore, as the Schmidt ('574) reference does not disclose or suggest the combination of elements that forms the invention of the subject Patent Application, as now claimed, it cannot make obvious Claim 7.

It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David I. Klein".

David I. Klein
Registration #33,253

Dated: 28 April 2005

Rosenberg, Klein & Lee
3458 Ellicott Center Drive
Suite 101
Ellicott City, MD 21043
410-465-6678

Customer No.
04586

AMENDMENTS TO THE DRAWINGS

The attached replacement sheets include changes to Figs. 14, 15, 16, and 17, and replace the original drawing sheets that include Figs. 14, 15, 16, and 17 thereon. In Figs. 14, 15, 16, and 17, the label “30” has been replaced with the label “11”.

Attachment: Four Replacement Sheets.